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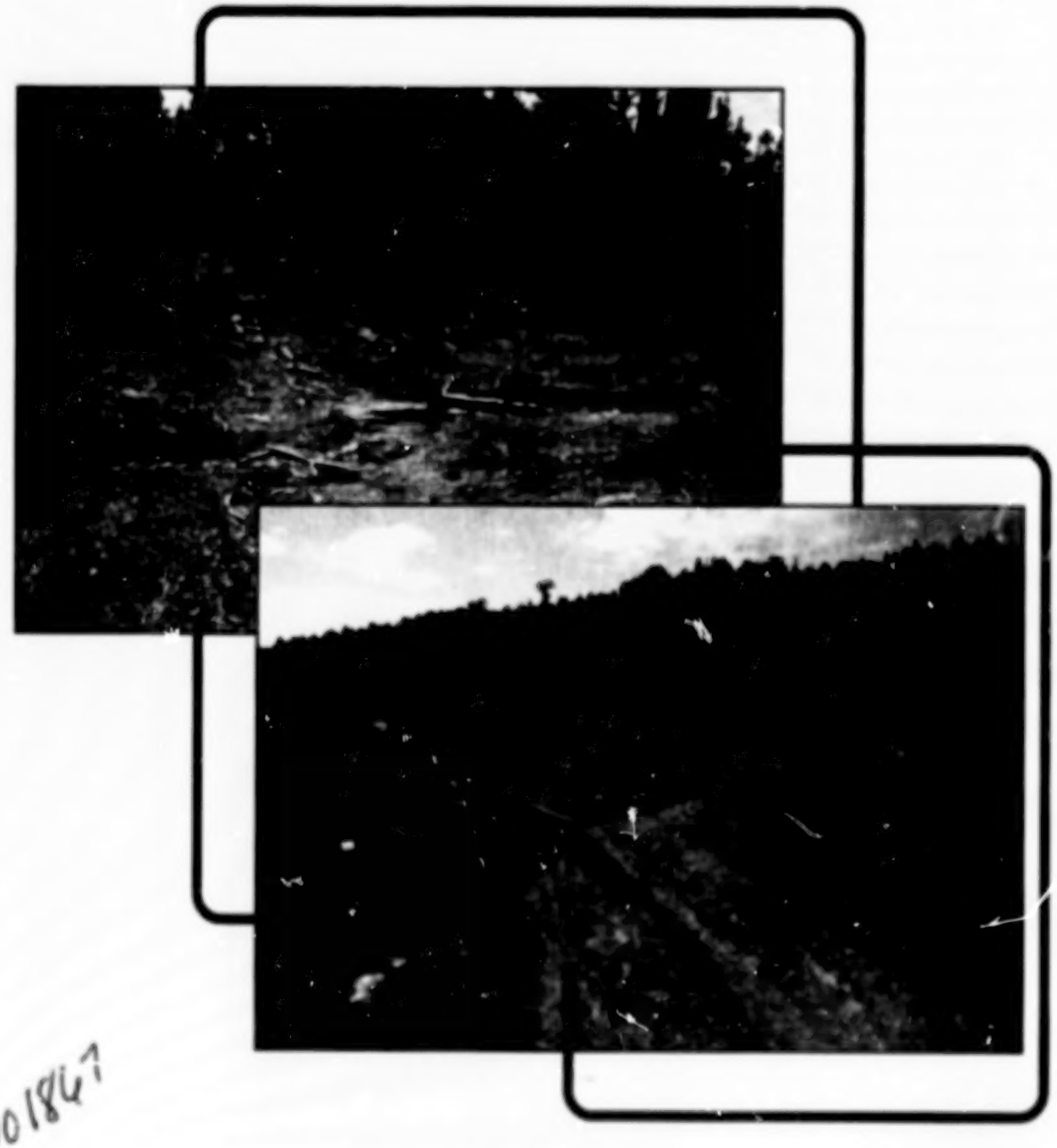
U.S. Department of the Interior
Bureau of Land Management
Rawlins District Office

Great Divide Resource Area

May 1998

RECORD OF DECISION and FINDING OF NO SIGNIFICANT IMPACT for the Shirley Mountain Planning Review Travel Management



99-001847

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MISSION STATEMENT

It is the mission of the Bureau of Land Management to sustain the health, diversity, and productivity of the public lands for the use and enjoyment of present and future generations.

BLM/WY/PL-96/017+1610

United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Wyoming State Office
P.O. Box 1828
Cheyenne, Wyoming 82003-1828

In Reply Refer To:
1792

Dear Reader:

Attached is the proposed decision for the Shirley Mountain Travel Management Planning Review. The Shirley Mountain Planning Review Area is comprised of about 69,590 acres of intermingled public, private, and state land surface ownerships. The review area is within the Bureau of Land Management (BLM) Great Divide Resource Area, Carbon County, Wyoming.

The planning review was conducted to analyze and weigh the affects of retaining or changing the Off-Road Vehicle (ORV) designation for the BLM-administered public lands within the Shirley Mountain Planning Review Area. The proposed decision considers comments received during public scoping and the 45-day comment period for the *Shirley Mountain Planning Review Travel Management Environmental Assessment* (EA).

The proposed decision, to change the ORV designation within the Shirley Mountain Planning Review Area, from "limited to existing roads and trails" to "limited to designated roads and trails," constitutes an amendment to the Great Divide Resource Management Plan (RMP) and is subject to protest. As provided in 43 Code of Federal Regulations, Part 1610.5-2, any person who participated in the planning review process and has an interest which is or may be adversely affected by the approval or amendment of a resource management plan may protest such approval or amendment. A protest may concern only those issues which were raised and submitted for the record during the planning review process and by only the party(ies) who raised the issue(s). All parts of the proposed decision may be protested. Protests must be in writing and must be sent to the Director (210), Bureau of Land Management, Attention: Brenda Williams, 1849 C Street N.W., Washington, D.C. 20240. Protests must be post-marked within 30 days following the date the notice of availability (NOA) of this decision record is published in the *Federal Register*. Protests must include, (a) the name, mailing address, telephone number, and interest of the person filing the protest; (b) a statement of the issue or issues submitted during the planning review process by the protesting party, or an indication of the date the issue or issues were discussed for the record; (c) a statement of the part, or parts, of the proposed decision being protested; (d) a copy of all documents addressing the issue or issues that were submitted during the planning review process by the protesting party, or an indication of the date the issue or issues were discussed for the record; and (e) a concise statement explaining why the proposed decision is believed to be wrong.

If no protests are received, the attached proposed decision will become final at the end of the 30-day protest period. If protests are received the decision will not become final until the protests are resolved.

Through your participation, we look forward to improved public land management in the Shirley Mountain Planning Review Area.

Sincerely,

Alan R. Pierson
Wyoming State Director

II

DECISION RECORD
AND
FINDING OF NO SIGNIFICANT IMPACT
FOR THE
SHIRLEY MOUNTAIN PLANNING REVIEW
TRAVEL MANAGEMENT
ENVIRONMENTAL ASSESSMENT
GREAT DIVIDE RESOURCE AREA

SUMMARY

The Great Divide Resource Management Plan (RMP 1990) identifies the off-road vehicle (ORV) travel designation for the Shirley Mountain Planning Review Area as "limited to existing roads and trails." In February 1995, the Bureau of Land Management (BLM), the Wyoming Game & Fish Department (WGFD), and private landowners in the review area formed the ad hoc Shirley Mountain Technical Committee to discuss overall goals and objectives for the Shirley Mountain area. The proliferation of two-track roads and trails was identified as a high priority issue in need of management consideration. Within the Shirley Mountain Planning Review Area, the BLM has analyzed the effects of retaining the ORV travel designation of "limited to existing roads and trails,' and the effects of changing the ORV travel designation to "limited to designated roads and trails," and has documented the results of the analysis in the *Shirley Mountain Planning Review Travel Management Environmental Assessment* (EA). See Map 1 for the location of the Shirley Mountain Planning Review Area.

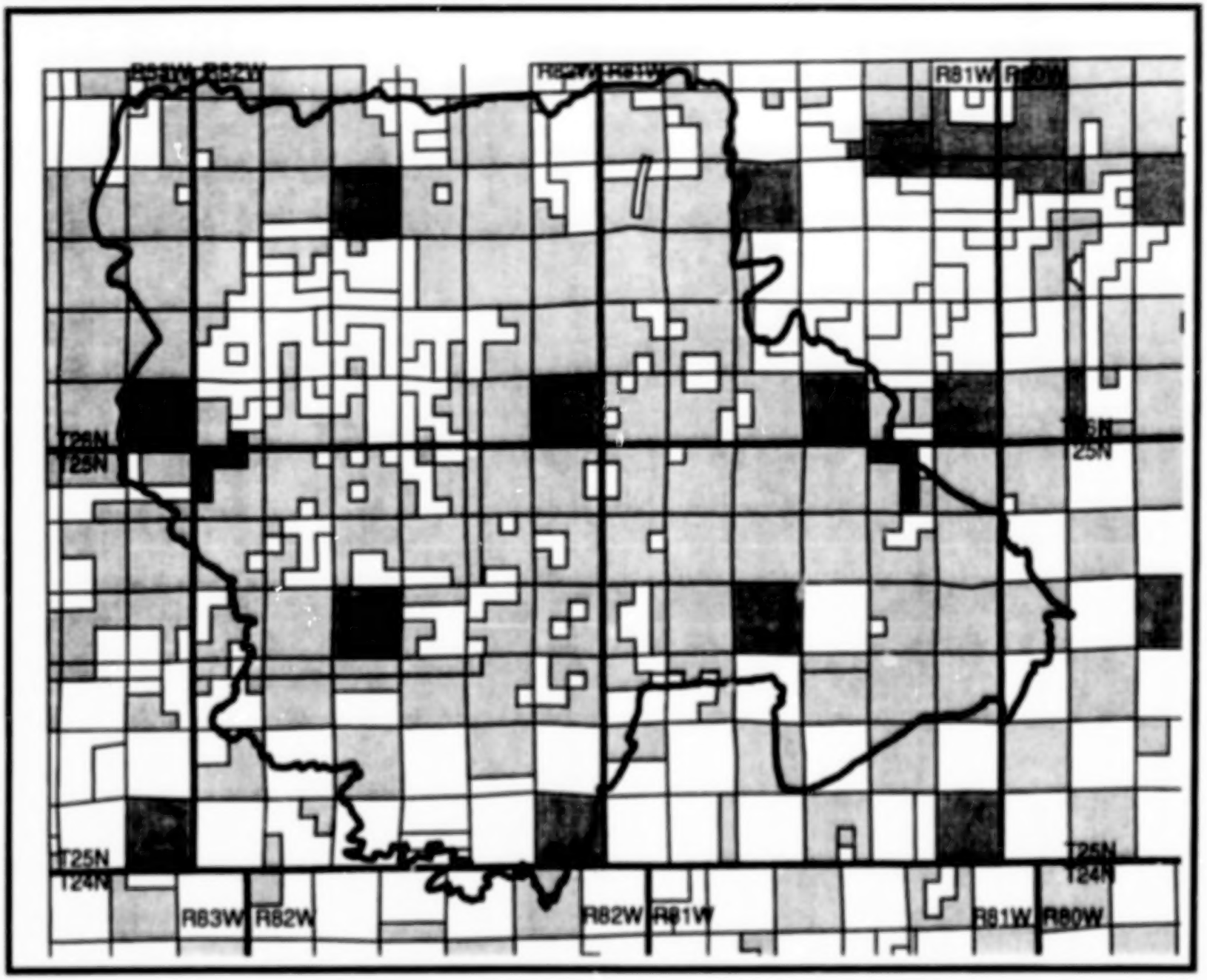
DECISION

It is my decision to select Alternative A (the Proposed Action and the BLM Preferred Alternative, described in the *Shirley Mountain Planning Review Travel Management EA*), to include the requirements and stipulations presented below. This decision will change the ORV travel designation within the Shirley Mountain Planning Review Area from, "limited to existing roads and trails," to "limited to designated roads and trails." This decision is based on the analyses documented in the *Shirley Mountain Planning Review Travel Management EA* and the public comments on the EA.

Accordingly, this decision amends the Great Divide RMP by changing the ORV travel designation for the Shirley Mountain Planning Review Area from "limited to existing roads and trails," to "limited to designated roads and trails." Included in this decision are the following requirements and stipulations.

- A travel management activity or implementation plan for the Shirley Mountain Planning Review Area will be developed and will identify the specific roads and trails across BLM-administered public lands that may be used for vehicular travel, roads and trails that will be closed or that will be obliterated, maintenance of main transportation routes, signing efforts, educational opportunities, increased enforcement of appropriate vehicular use, and monitoring.

- The boundary of the Shirley Mountain Planning Review Area will not be identified with signs on the ground. Instead, maps of the boundary and designated vehicular use roads and trails across BLM-administered public lands will be made readily available to the public at the main vehicle access points to the Shirley Mountain area and at the BLM offices in Rawlins and Casper, Wyoming. Any road or trail contributing to resource damage on the outskirts of the Planning Review Area will either be signed as closed or as available for vehicular use and will be maintained to reduce resource damage.



LEGEND

- FEDERAL LAND
- STATE LAND
- PRIVATE LAND
- PLANNING REVIEW AREA BOUNDARY (AREA WHERE ORV TRAVEL IS LIMITED TO DESIGNATED ROAD AND TRAILS)

N W E S

NO WARRANTY IS MADE BY THE BLM AS TO THE ACCURACY, RELIABLITY, OR COMPLETENESS OF DATA FOR INDIVIDUAL USE OR AGAINST USE WITH OTHER DATA.

SHIRLEY MOUNTAIN PLANNING REVIEW AREA BOUNDARY

SCALE: 1/2 INCH = 1 MILE

0 1 2 3 4 5 6 7 8 9 10 11 12 Miles

- The BLM-administered public lands in the Shirley Mountain Planning Review Area will remain open to off-road use by motorized over-the-snow vehicles, provided that they do not adversely affect soils, wildlife, or vegetation. This is consistent with the motorized over-the-snow vehicle policy for the majority of BLM-administered public lands within the Great Divide Resource Area. Horse and foot travel will continue to be allowed across the public lands within the Shirley Mountain Planning Review Area.

- The BLM may authorize the construction and use of temporary or permanent roads on BLM-administered public lands for the purposes of resource management activities. Such roads would be associated with such things as forest management projects and contracts, construction of public utilities, and similar resource management activities. Authorizations for the construction of new roads will include specific design criteria, maintenance responsibilities, seasonal restrictions, closure dates and methods of closure, as appropriate and necessary to conform to the management objectives for the area.

- Off-road travel of official vehicles on BLM-administered public lands will be permitted when directly in support of range and forest fire control efforts, rescue operations, and similar emergency uses.

- The livestock operators who hold BLM grazing permits within the Shirley Mountain Planning Review Area will continue to be authorized to drive off-road to accomplish "necessary tasks," only if such travel will not result in resource damage. Resource damage is defined as: driving (off of roads designated for vehicular use) into or across riparian areas, springs, or seeps during times of high runoff or soil saturation; cutting standing dead or live trees or shrubs to gain access into an area; and cutting, damaging or destroying fences or any other range improvement projects on the public lands. Necessary tasks for livestock operators are defined as construction or maintenance of approved range improvements on BLM-administered public lands, retrieval of sick or injured livestock, and the distribution of salt and mineral blocks. These necessary tasks are consistent with tasks allowed under the Great Divide RMP for other ORV "limited" designation areas. (See note below.)

- The general public will continue to be permitted to drive vehicles off-road on BLM-administered public lands, only during big game hunting seasons in the area for the "necessary task" of retrieving downed big game animals, and only if such travel does not result in resource damage. Again, resource damage is defined as: driving (off of roads designated for vehicular use) into or across riparian areas, springs, or seeps during times of high runoff or soil saturation; cutting standing dead or live trees or shrubs to gain access into an area; and cutting, damaging or destroying fences or any other range improvement projects on the public lands. This "necessary task" is consistent with tasks currently allowed under the Great Divide RMP for other "limited" ORV designation areas. (See note below.)

- The required monitoring of the effectiveness of this management decision, to be initiated with the activity or implementation plan for the Shirley Mountain area, will include annual resource monitoring and evaluation to determine if "necessary task" activities will contribute to unacceptable levels of soil erosion or fragmentation of wildlife habitat. Any unacceptable levels of resource damage occurring as a result of off-road vehicular use for "necessary tasks," will result in restriction or prohibition of these types of activities.

> ***Note:*** This decision does "not" change the statewide BLM policy or the Great Divide RMP decision which allow off-road vehicular use for conducting "necessary tasks" (as defined above). It is necessary to clarify that the Proposed Action, as described on page 4 of the EA (to change the ORV designation in the Shirley Mountain Planning Review Area from "limited to existing roads and trails", to "limited to designated roads and trails"), does not restrict off-road vehicular travel for the purpose of conducting "necessary tasks." However,

the environmental analysis of the proposed action, documented in the EA, was done with the misunderstanding that a "limited to designated roads and trails" ORV designation would not allow for off-road vehicular travel for conducting necessary tasks. This is discussed in greater detail, in the Rationale for the Decision, below.

FINDING OF NO SIGNIFICANT IMPACT

Based on the environmental analysis presented in the *Shirley Mountain Planning Review Travel Management EA* for ORV travel designation changes within the Shirley Mountain Planning Review Area, I find that the impacts to the quality of the human environment are not expected to be significant. Therefore, an environmental impact statement is not necessary.

ALTERNATIVES CONSIDERED IN DETAIL

Alternative A (BLM preferred alternative): ORV designation change

This alternative would change the ORV travel designation within the Shirley Mountain Planning Review Area from "limited to existing roads and trails" to "limited to designated roads and trails." A travel management implementation plan would be developed for the Shirley Mountain Planning Review Area and would address the designation of roads and trails available for or closed to vehicular use, road and trail obliteration, signing needs, educational opportunities, enforcement, and monitoring.

Alternative B1: No Action-Continuation of Present Management

This alternative would continue present management practices and direction identified in the Great Divide RMP. Under this alternative, the ORV travel designation within the Shirley Mountain Planning Review Area would be "limited to existing roads and trails." A Travel Management Implementation Plan for the Review Area would not be developed. Other existing uses of the BLM-administered public lands in the area would continue.

ALTERNATIVE CONSIDERED BUT NOT ANALYZED IN DETAIL

ORV Travel Limited to Designated Roads and Trails Except for the Retrieval of Downed Game Animals

The BLM held public scoping meetings for travel management on Shirley Mountain in November 1996. Several members of the public requested that the BLM consider the retrieval of downed game animals as an acceptable reason for driving off roads and trails designated for use. By allowing off-road use for this activity, the problems resulting from the current situation (i.e., road proliferation, accelerated erosion, and loss of big game security areas) would still exist. Enforcement of road closures would become very difficult if law enforcement personnel had to differentiate between an acceptable reason and an unacceptable reason for driving off-road. For these reasons this alternative was not analyzed further.

The reasons for not analyzing this alternative in detail were considered carefully when formulating the decision. At the time the EA was developed it was believed that allowing the use of motorized vehicles for the retrieval of downed game animals would perpetuate the road proliferation, accelerated erosion, and big game security area problems present on Shirley Mountain. Following review of the environmental analysis it was determined that the majority (if not all) of the resource management objectives for the planning review area can be achieved through implementing the changed ORV designation and the associated requirements

and stipulations and not restrict the use of motorized vehicles for the completion of necessary tasks. Enforcement of road closures is going to be difficult regardless of whether motorized vehicles are allowed for the completion of necessary tasks or not. In addition, only allowing the use of motorized vehicles for the retrieval of downed game animals would have been biased against other legitimate necessary task activities.

RATIONALE FOR DECISION

The decision to change the ORV travel designation from "limited to existing roads and trails," to "limited to designated roads and trails" was based on the environmental analysis documented in the EA, the ability to better enforce the "designated" roads and trails ORV designation and to control the proliferation of roads and trails in the planning review area, and the information and comments received from the public during scoping and during the comment period for the EA.

> ***Note:*** This decision does "not" change the statewide BLM policy or the Great Divide PMP decision which allow off-road vehicular use for conducting "necessary tasks" (as defined in the decision above).

It is necessary to clarify that the development of the proposed action in the EA and the associated environmental analysis were completed with the misunderstanding that the "limited to designated roads and trails" ORV designation would prohibit off-road use of motorized vehicles for conducting "necessary tasks." As a result, the proposed action and environmental analysis appear to be inconsistent with the decision above. The decision is however, within the range of analyses presented in the EA for the two alternatives considered in detail. The analysis of the "No Action - Continuation of Present Management" alternative includes off-road vehicular travel for the purpose of conducting necessary tasks. Therefore, necessary task activities and the effect these activities may have on the proliferation of new roads were adequately considered in the course of analyzing and documenting the environmental consequences of the No Action alternative.

The decision to continue the provision for allowing off-road use of motorized vehicles for the purpose of conducting "necessary tasks" is based on the analyses presented in the EA and the expectation that the majority (if not all) of the resource management objectives for the planning review area can be achieved through implementing the changed ORV designation and the associated requirements and stipulations cited in the decision above. While it is possible that "necessary task" activities may result in higher impacts than were identified in the analysis of the proposed action, they are consistent with the impacts identified for the No Action alternative and will not reach a level of significance that may require the preparation of an environmental impact statement (EIS). In addition, the monitoring requirements of the decision would assure that any unacceptable levels of impact are timely identified and rectified (i.e., further restriction or prohibition of necessary task activities). Allowing for and monitoring off-road vehicular use for the conduct of "necessary tasks" will not reduce the BLM's ability to further control or prohibit these types of activities (selectively or totally) in the future, particularly if monitoring supports the need for such action.

SUMMARY OF PUBLIC COMMENTS ON THE ENVIRONMENTAL ASSESSMENT FOR A CHANGE IN ORV DESIGNATION WITHIN THE SHIRLEY MOUNTAIN PLANNING REVIEW AREA

Eleven letters were received during the 45-day comment period for the EA.

Where responses to individual comments would provide clarification to the planning review process or the environmental analysis, we have provided responses below.

1. Several commentors raised concerns regarding whether BLM grazing permittees would be allowed to drive off-road on BLM-administered public lands as access for management of private lands, and for management of livestock or installation and maintenance of range improvements on BLM-administered public lands.

   BLM grazing permits include a stipulation that grazing permittees, unless otherwise specified, have maintenance responsibility for any range improvement on public land within the grazing allotment(s) specified. The Great Divide RMP includes livestock management activities as examples of "necessary tasks." Therefore, this decision does not affect the use of motorized vehicles for installation or maintenance of range improvements, retrieval of sick or injured livestock, and distribution of salt or mineral block on the public lands, if such activity would not result in resource damage.

2. Several commentors felt that the retrieval of a downed game animal should be considered as an acceptable reason for driving off-road. The point was made that off-road vehicle use for the retrieval of downed game animals would not cause accelerated erosion across all types of terrain and that security for big game animals would have already been breached if a rifle shot was fired in an area.

   This decision does not change existing, statewide BLM policy or the RMP decision to allow off-road motorized vehicle use for the retrieval of downed game animals, if such travel would not result in resource damage. After a thorough review of the issues, the environmental analysis, and public comments, it was determined that large strides could be made to reduce erosion and create larger blocks of security areas for wildlife by implementing a designated road use system and by obliterating unneeded roads on Shirley Mountain. The BLM will continue to monitor for the proliferation of two-track roads and trails within the Shirley Mountain Planning Review Area. If monitoring discloses that road and trail proliferation problems are continuing, the BLM will reevaluate the need for additional off-road vehicle restrictions.

3. One commentor felt that the BLM should not maintain roads on Shirley Mountain because it would create more traffic and that money would be better spent on graveling the road from Highway 487 to the Pryor Flat Campground. This commentor also identified roads that he felt were not needed on the mountain.

   Maintenance of the main transportation routes across Shirley Mountain will emphasize erosion control and maintenance to existing BLM standards. Erosion control will include the use of such things as water bars, wing ditches, and culverts. By improving the main travel routes, it is expected that fewer detour roads will be created in the future.

   The BLM does not have the authority to gravel County Road 102. The maintenance responsibility for this road belongs with the Carbon County Road and Bridge Department.

   The roads identified as not needed by the commentor will be considered for closure or obliteration in the course of developing the travel management plan or other implementation plans for the area. Those individuals on the mailing list for the Shirley Mountain Planning Review EA will have the opportunity to participate in developing the Travel Management Plan and in reviewing the associated EA. Comments on specific road closures or road obliteration will be considered at that time.

4. One commentor was unclear on the definition of an ORV.

   In the Glossary of the Great Divide RMP (p. 73), an off-road vehicle (ORV) is defined as:

   > Any motorized tracked or wheeled vehicle designed for cross-country travel over any type of natural terrain. Exclusions include non-amphibious registered motorboats, any military, fire, emergency, or law enforcement vehicle while being used for emergency purposes, any vehicle whose use is expressly authorized by the authorizing officer or otherwise officially approved, vehicles in official use, and any combat support vehicle in times of national defense emergencies. It should be noted that the particular "type" of vehicle is not the only concern involved. Off-road travel by vehicles, in general (that would cause resource damage), is of equal concern.

5. A comment was made that all terrain vehicles (ATVs) are a bigger contributor to new roads and erosion than other types of ORVs.

   The BLM agrees that other types of ORVs generally cause greater damage to the soil resource than ATVs. However, much of the damage in the planning review area appears to occur when another ORV follows the tracks of an ATV that has been driven off-road into an area. By implementing a Travel Management Plan on Shirley Mountain, the BLM is attempting to control the creation of new roads and trails that may be caused by any type of ORV or any other type of motor vehicle.

6. One commentor raised concerns over the proposed Braxton/BLM land exchange and the effect that it might have on the Travel Management Plan for Shirley Mountain. This commentor also felt that public access needed to be gained across private property on the main transportation routes across the mountain. This commentor stated that these crucial public access points needed to be looked at seriously, or road and trail proliferation would get worse.

   One objective of the Great Divide RMP is to consider landownership adjustments that would provide for increased recreational opportunities on Shirley Mountain. The Great Divide Resource Area is currently developing land exchange criteria which will help guide the evaluation of land exchange proposals. These criteria will be used in considering any land exchange proposal in the resource area and assuring that the objective of increased recreational opportunities can be met. Where there is an identified access need, as is the case with main transportation routes that cross private property on Shirley Mountain, the BLM will continue to pursue access agreements that assure the public of legal access to public lands. The ability of the BLM to devote time and money to this activity varies by year, funding allocations, and priority. This is yet another facet to be addressed in detail, in the course of developing the travel management plan and other implementation plans for the area.

7. One commentor thought that the BLM should be able to periodically review those roads that are designated for vehicular use to ensure wildlife, public access, and other program objectives are being met and that the BLM should also be able to approve the construction and use of temporary roads for purposes of resource management principles (e.g., for fire control, timber management, public utilities).

   The BLM agrees that the designated road use system needs to be flexible and allow for changes based on sound resource management principles. The decision adequately provides for these concerns and they will be further addressed in future implementation planning and processing of use authorizations on the public lands.

8. A comment was made that off-road use should be allowed for official vehicles in support of fires, rescue operations, and similar types of emergency use.

   Refer to 7 above.

9. A comment was made that snowmobiles should be exempt from the no off-road travel designation.

   This decision will not change the Great Divide RMP decision that the Shirley Mountain area is open to off-road use by over-the-snow vehicles, provided that they do not adversely affect wildlife or vegetation.

10. One commentor wanted to know why mineral resources were not discussed in the Existing Environment, and Environmental Consequences section of the EA. In particular, the commentor felt that changing the ORV designation would affect the ability to explore for mineral resources.

    Mineral resources was one of the resources determined to not be effected by the change in ORV designation as identified on Page 10 of the EA. Access issues would be addressed in Plans of Operations and could include the use of designated roads and trails or the construction of new or temporary roads if necessary. All operators would also be required to obtain all necessary permits from the State of Wyoming Department of Environmental Quality.

11. A commentor felt that the closure of roads on public land that access riparian areas should not be a goal.

    The goal is to reduce soil erosion and compaction and to create larger blocks of security area for wildlife on Shirley Mountain. The BLM believes that the designated road-use system will offer reasonable access to most large blocks of public land and ample access and recreation opportunities in riparian areas.

12. A comment was made that BLM law enforcement patrols on Shirley Mountain should be increased instead of closing or obliterating roads and trails.

    The Shirley Mountain Planning Review Area currently has an average of two miles of road per square mile. Studies have shown that habitat effectiveness for big game species is reduced when road densities are this high. A primary objective of obliterating or closing some roads on Shirley Mountain is to lower the road density in the area to one mile of road per square mile. The level of law enforcement activity needed in the area is another aspect that will be subject to activity or implementation planning and monitoring of the area for effectiveness in meeting management objectives.

13. A commentor felt that the BLM should close problem roads and trails for a few weeks before and during hunting season and not year-round.

    Seasonal or temporary road closures may be a partial solution toward meeting the management objectives for the area and can best be addressed in the course of developing the travel management plan and other implementation plans for the area. However, this would not provide a practical long-term solution to meeting the objectives of reduced road densities or reduced road and trail erosion problems in the area (i.e., erosion of road and trail ruts can occur at any time during the spring, summer and fall months, not only when vehicle use occurs or during periods of heavy vehicle use). While holding elk on the mountain longer during hunting season by creating larger blocks of security area is one of the main objectives for proposing a designated road use system, it is not the sole objective.

14. One commentor expressed concern that the BLM did not use good science to make decisions concerning travel management on Shirley Mountain. The commentor also felt that, if the BLM adopts the new ORV designation, all users would be made to suffer in order to increase the elk harvest.

    While the elk hunting experience and harvest in the area may be aspects of consideration, the primary management concerns are related to the proper management of soil and vegetation resources that, in turn, provide the basis for the elk habitat, along with all the other resource and land use values of the area. Where scientific data or research information is available, it is used in the decisionmaking process. However, recent scientific data are not the only tools available for resource evaluation. In situations where the scientific information is dated, unavailable, or difficult or expensive to acquire, decisions based on the best available data and a reasoned analysis are used in the decisionmaking process. The environmental consequences section of the EA forms the scientific and analytic basis for the comparison of alternatives. It is also noted that no additional or new data was provided to support this comment.

    Existing information used in the analysis included the Wyoming Game & Fish Department's (WGFD) 1994 habitat analysis for Shirley Mountain and BLM's 1995 Habitat Management Plan (HMP) for Shirley Mountain. A portion of the WGFD analysis was based on road and trail density and the effects of wildlife habitat fragmentation. The BLM's HMP recommended that a plan be developed to control the proliferation of two-track roads and trails and to address travel management. Both of these documents are available for review at the Great Divide Resource Area Office in Rawlins.

Corrections and clarifications to the *Shirley Mountain Planning Review Travel Management Environmental Assessment* are included in the attached errata (Attachment 1).

I have reviewed my responsibilities under existing laws, regulations, policies, and land use decisions, and my decision is consistent with them.

_____ _____

Alan R. Pierson
Wyoming State Director

Date

ATTACHMENT 1

ERRATA
for the
ENVIRONMENTAL ASSESSMENT FOR TRAVEL MANAGEMENT DECISIONS IN THE SHIRLEY MOUNTAIN AREA

PAGE	CHANGE
Dear Reader Letter	Paragraph 3. Change Alternative 1 to Alternative A. Change Alternative 2 to Alternative B1.
4	Description of the proposed action and alternatives. After IIA. Proposed Action, in parenthesis, add Preferred Alternative.